

Message Text

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PAGE 01 TOKYO 01894 100245Z
ACTION VO-03

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TO SECSTATE WASHDC 5363

UNCLAS TOKYO 1894

E.O. 11652: N/A
TAGS: CVIS, CGEN, ETRD, JA
SUBJECT: VALIDITY OF JAPANESE PASSPORTS

REF: 75 STATE 023779; 75 TOKYO 11443; 75 TOKYO 17719;
75 STATE 10629

1. EMB OFFICERS APPROACHED MFA OFFICIALS FEBRUARY 8 TO REOPEN TALKS REGARDING VALIDITY OF JAPANESE PASSPORTS.
2. MFA PROPOSED REPLY NOW TO READ QUOTE 1. THE JAPANESE GOVERNMENT WILL ALLOW ALL BEARERS OF JAPANESE PASSPORTS TO RETURN TO JAPAN REGARDLESS OF THE VALIDITY DATE OF THEIR PASSPORTS. THIS AGREEMENT DOES NOT IN ANY WAY RELIEVE THE CRIMINAL LIABILITY OF JAPANESE CITIZENS UNDER ARTICLE 23-1 (5) OF THE PASSPORT LAW WHO TRAVEL ON EXPIRED PASSPORTS.
2. BY THE INTERPRETATION OF THE JAPANESE GOVERNMENT A QUOTE BEARER OF A JAPANESE PASSPORT UNQUOTE CAN ONLY BE A BONA FIDE CITIZEN OF JAPAN. 3. SHOULD A HOLDER OF A JAPANESE PASSPORT BE FOUND NOT TO BE A JAPANESE NATIONAL, THE JAPANESE GOVERNMENT WILL NOT GRANT THAT PERSON FREE ENTRY TO JAPAN UNQUOTE.
3. COMMENT: PROPOSED WORDING CONTEMPLATED IN ORDER NOT TO CONTRADICT THE PASSPORT LAW (LAW NO. 267 OF 1951 AMENDED BY LAW NO. 105 OF 1970) WHICH READS AS FOLLOWS:
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(PENALTIES) ARTICLE 23. A PERSON COMING UNDER ANY ONE OF THE FOLLOWING ITEMS SHALL BE LIABLE TO PENAL SERVITUDE OF NOT MORE THAN ONE YEAR OR A FINE NOT EXCEEDING 30,000 YEN.

(1) A PERSON WHO HAS A PASSPORT OR A TRAVEL DOCUMENT OR REPATRIATION DELIVERED TO HIM BY HAVING MADE A FALSE STATE-

MENT IN DOCUMENTS RELATING TO APPLICATION OR REQUEST UNDER THIS LAW OR BY ANY OTHER ILLICIT ACTS;

(2) A PERSON WHO HAS USED A PASSPORT OR A TRAVEL DOCUMENT FOR REPATRIATION BEARING OTHER PERSON'S NAME;

(3) A PERSON WHO, FOR THE PURPOSE OF HAVING HIS PASSPORT OR TRAVEL DOCUMENT FOR REPATRIATION USED BY OTHER PERSON, OR OF MAKING USE OF OTHER PERSON'S PASSPORT OR TRAVEL DOCUMENT, HAS HANDED OVER OR LOANED HIS PASSPORT OR TRAVEL DOCUMENT TO OTHER PERSON, OR HAS OBTAINED OR BORROWED A PASSPORT OR A TRAVEL DOCUMENT BELONGING TO OTHER PERSON;

(4) A PERSON, WHO AFTER HAVING BEEN ORDERED TO SURRENDER HIS PASSPORT ACCORDING TO THE PROVISIONS OF PARAGRAH 1, ARTICLE 19 HAS FAILED TO RETURN IT BY THE DEADLINE SPECIFIED BY THE SAID PARAGRAPH;

(5) A PERSON WHO HAS USED AN INVALID PASSPORT OR A TRAVEL DOCUMENT FOR REPATRIATION.

4. ANOTHER REASON IS GOJ DOES NOT WISH ITS CITIZENS TO THINK THIS A LOOPHOLE PROVISIO WHICH MAY BE USED FOR RETURN TO JAPAN.

5. COMPARED TO INITIAL PROPOSED REPLY WHICH DEPARTMENT ADVISED AS NOT ACCEPTABLE FOR PURPOSES 22 CFR 41.112, NOTE 1.1 WE FEEL THIS NEW REWORDED VERSION DOES MEET THE REQUIREMENTS OF SECTION 212(A)(26) EVEN THOUGH IT LACKS IN WORDS ISSUING COUNTRY WILL RECOGNIZE PASSPORTS AS BEING VALID FOR A PERIOD OF SIX MONTHS BEYOND THE EXPIRATION DATE APPEARING IN THE PASSPORTS BECAUSE IT ACTUALLY EXCEEDS SIX MONTHS. MFA DISLIKE USE OF SIX MONTHS STIPULATION
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SAYING THAT A JAPANESE CITIZEN CAN ALWAYS RETURN TO JAPAN REGARDLESS OF THE VALIDITY OF HIS PASSPORT.

6. DEPT. OPINION REQUESTED AS TO SUFFICIENCY OF PROPOSED NOTE VERBALE FOR PURPOSES OF 212(A)(26). MFA VIEW AGREE-MENT BENEFIT TO BOTH SIDES AND GAVE ASSURANCE REWORDED VERSION HURDLES LEGISLATION REQUIREMENT REPORTED IN TOKYO 11443. IF PROPOSED REPLY STILL UNACCEPTABLE SUGGESTIVE WORDING FROM DEPARTMENT MOST WELCOME.
SHOESMITH

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Sent Date: 10-Feb-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Source: CORE
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Enclosure: n/a
Executive Order: N/A
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